REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has canceled claim 5 without disclaimer and amended claims 1, 2 and 7 to further clarify the invention. Claims 1-4 and 6-14 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1-4, 6, 7 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,876,640 (Bertrand et al.) in view of U.S. Patent No. 5,786,771 (Feeney et al.). Claims 5, 8-11, 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertrand et al. in view of U.S. Patent No. 6,693896 (Utsumi et al.) and further in view of Feeney et al.

Examiner Interview

Applicant thanks the Examiner for the telephonic interview held with Applicant's representative on November 20, 2006. At the interview, the Examiner stated that claims 8 and 14 may be allowable and that claims 1 and 7 may be allowable if amended to incorporate the subject matter of claim 5. Applicant has incorporated these suggested amendments.

35 U.S.C. § 103 Rejections

Claims 1-4, 6, 7 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertrand et al. in view of Feeney et al. Applicant has discussed the deficiencies of Bertrand et al. in Applicant's previously filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Feeney et al. discloses providing a fault tolerant and flexible multi-stage network addressing scheme for transmitting a message with a header containing control bits for selecting from various destination checking functions to be performed. Upon arrival of the message at a node, destination checking is performed or not in response to the message header. If destination checking is not performed, or if destination checking is performed and indicates that the node is the desired destination for the message, the message is accepted. If destination checking is performed and indicates that the node is not the desired destination for the message, the

message is rejected. Destination checking is disabled during address assignment, broadcasting and multicasting, and replaced with ones compliment-based verification of the sending node.

Regarding claims 1, 7, 8, and 14, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, transforming the multicast packet data to a PPP frame format having an identification header, wherein the identification header includes information for distinguishing at least a multicast message and a broadcast message, transmitting multicast message from the PDSN to base station controller/packet control function, the BSC/PCF transmitting multicasting/broadcasting message to all or some of base stations under control of the BSC/PCF according to header information of the multicast message. The Examiner asserts that Bertrand et al. discloses transmitting multicast message from the PDSN to base station controller/packet control function, in Figs. 1 and 2 and col. 4, lines 50-66. However, these portions merely disclose an exemplary wireless communication system, an exemplary messaging diagram illustrating recognition of a PPP context following an inter-PDSN mobile station handover, and a description of Fig. 2 of the negotiation of a PPP context for a PPP session followed by an inter-PDSN handover of the mobile station to a second PDSN and subsequent complete re-negotiation of the PPP context for the mobile station through the second PDSN. These portions of Bertrand et al. do not disclose or suggest transmitting a multicast message from the PDSN to base station controller/packet control function, as recited

in the claims of the present application. As clearly shown in Fig. 2 of Bertrand et al., these portions merely relate to communications between the mobile station and a primary and secondary PDSN. These portions do not disclose or suggest anything related to a multicast message from the PDSN. Further, these portions do not disclose or suggest a multicast message being transmitted to a base station controller/packet control function. As illustrated in Applicant's Fig. 1, the BSC/PCF is located inside a RAN 200. Although Bertrand et al. discloses a radio network 108, Bertrand et al. does not disclose or suggest any details regarding operations with or between elements inside of the radio network 108. Further, there is no disclosure or suggestion in Bertrand et al. of a PDSN transmitting multicast message to a BSC/PCF, as recited in the claims of the present application. Applicant respectfully requests the Examiner to specifically point out where the BSC/PCF is disclosed or suggested in Bertrand et al.

Further, Applicant submits that none of the cited references disclose or suggest the BSC/PCF transmitting multicasting/broadcasting message to all or some of base station under control of the BSC/PCF according to header information of the multicast message. The Examiner asserts that Bertrand et al. discloses these limitations by disclosing that radio networks 108 are responsible for relaying the PPP session data between the mobile stations 102 and the PDSNs 120, the Examiner asserting that the radio networks are similar and/or the same as base station controllers which control one or more mobile stations within its serving area. However, the Examiner appears to misunderstand the technology. Bertrand et al. does not disclose or

suggest a base station controller transmitting multicasting/broadcasting message to all or some of base stations since as noted previously, a BSC/PCF is neither disclosed nor suggested in Bertrand et al. Further, the mere disclosure in Bertrand et al. of radio networks does not disclose or suggest these limitations in the claims of the present application.

The Examiner admits that Bertrand et al. does not disclose or suggest an identification header that includes information for distinguishing at least a multicast message and a broadcast message but asserts that Feeney et al. discloses these limitations in Figs. 5 and 7 and col. 4, line 64-col. 5, line 10 and lines 30-40. However, these portions merely disclose details regarding a message header for use with normal broadcast or multicast checking, and a message header for special multicast checking where control bits are used to allow a receiving node to perform destination checking before accepting the message. This is not an identification header included in a PPP frame format that includes information for distinguishing at least a multicast message and a broadcast message, as recited in the claims of the present application. Feeney et al. merely discloses headers with control bits indicating that the message header is for use with normal broadcast or multicast checking, or for special multicast checking. Feeney et al. is directed to the checking of message destinations in a switched circuit network. This has nothing to do with an identification header in a PPP frame format as recited in the claims of the present application.

In addition, Applicant submits that none of the cited references disclose or suggest where the multicast packet data comprises a header information including QoS, multicast/broadcast

type, multicast/broadcast group, and length information including body data of the PPP frame format and message body.

Moreover, Applicant submits that one of ordinary skill in the art would have no motivation to combine Bertrand et al. with Feeney et al. Bertrand et al. is related to a packet switched network whereas in contrast, Feeney et al. relates to a circuit switched network. Further, there is no teaching or suggestion in either reference for the combination of these two references. For a valid § 103 rejection using a combination of references, there must be some teaching or suggestion in the references for the combination. That does not exist here. Further, as noted previously, the combination of Bertrand et al. and Feeney et al. fails to achieve limitations in the combination of the claims of the present application.

Regarding claims 2-4, 6 and 12, Applicant submits that these claims are dependent on one of independent claims 1 and 8 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1-4, 6, 7 and 12 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 5, 8-11 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bertrand et al. in view of Utsumi et al. and Feeney et al. Applicant respectfully traverses these rejections.

Regarding claims 8 and 14, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, transforming the multicast packet data to a PPP frame format having an identification header, wherein the identification header includes information for distinguishing at least a multicast message and a broadcast message, transmitting multicast message from the PDSN to base station controller/packet control function, the BSC/PCF transmitting multicasting/broadcasting message to all or some of base stations under control of the BSC/PCF according to header information of the multicast message, or where the multicast/broadcast is a multicast packet data that comprises a header information including QoS, multicast/broadcast type, multicast/broadcast group, and length information including body data of the PPP frame format and message body. As noted previously, neither Bertrand et al. nor Feeney et al. disclose or suggest these limitations in the claims of the present application. Further, Utsumi et al. does not overcome the substantial defects noted previously regarding Bertrand et al. and Feeney et al.

Regarding claims 9-11 and 13, Applicant submits that these claims are dependent on one of independent claims 1 and 8 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

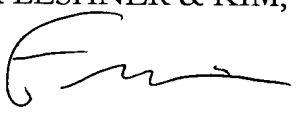
Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 8-11, 13 and 14 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4 and 6-14 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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